



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

WILLIAM K. EDWARDS, §
Plaintiff, §
§
vs. § CIVIL ACTION NO. 8:08-896-HFF-BHH
§
MICHAEL J. ASTRUE, §
Commissioner of Social Security, §
Defendant. §

ORDER

Plaintiff brought this action pursuant to Section 205(g) of the Social Security Act, as amended, (42 U.S.C. Section 405(g)), to obtain judicial review of the final decision of Defendant regarding Plaintiff's claim for disability insurance benefits and Supplemental Security Income, pursuant to Titles II and XVI of the Social Security Act. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that (1) Defendant's decision be reversed under sentence four of 42 U.S.C. §§405(g) and 1381(c)(3), with a remand of the case to Defendant for further proceedings as set in the Report, and (2) Plaintiff's request for remand under sentence six of 42 U.S.C. §§405(g) and 1381(c)(3) be denied. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on March 5, 2009. Neither party filed any objections. In the absence of such objections, the Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court that (1) Defendant's decision is **REVERSED** under sentence four of 42 U.S.C. §§405(g) and 1381(c)(3), with a **REMAND** of the case to Defendant for further proceedings as set in the Report, and (2) Plaintiff's request for remand under sentence six of 42 U.S.C. §§405(g) and 1381(c)(3) is **DENIED**.

IT IS SO ORDERED.

Signed this 23rd day of March, 2009, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE